

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-99-0433 WBS GGH P

vs.

SON VAN NGUYEN,

Movant.

ORDER

On April 21, 2008 (#1179), the government filed an opposition to movant's amended motion, pursuant to 28 U.S.C. § 2255. On the same day, movant filed a document entitled "motion for summary judgment," averring, in essence, that respondent's response, pursuant to Orders, filed on March 7, 2008 and March 20, 2008, was overdue and seeking to have judgment entered for him on that basis. This motion will be vacated.

By a May 6, 2008 filing, movant indicated that he had yet to receive the opposition. However, thereafter, on May 9, 2008, movant filed a reply to the government's opposition, which makes evident that movant ultimately did receive the opposition.

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Accordingly, IT IS ORDERED that movant's "motion for summary judgment,"
filed on April 21, 2008 (# 1180), is hereby vacated from the court's calendar.

DATED: 05/28/08

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:009
nguy0433.vac